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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,043	10/13/2005	Xin Lu	5585-69856-01	6728

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EXAMINER

AEDER, SEAN E

ART UNIT PAPER NUMBER

1642

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-3, 8, and 11-14, as specifically drawn to isolated nucleic acid molecules which encode SEQ ID NO:8 or variants thereof that encode polypeptides which inhibit the apoptotic activity of p53.

Group 2, claim(s) 1, 4-6, 8, 11-14, 28 and 29, as specifically drawn to isolated nucleic acid molecules which encode SEQ ID NO:9 or variants thereof that encode polypeptides which inhibit the apoptotic activity of p53.

Group 3, claim(s) 10, 15, 35-39, 41, 43-46, and 49-51, as specifically drawn to polypeptides or fragments thereof encoded by a nucleic acid of group 1.

Group 4, claim(s) 10, 15, and 31, as specifically drawn to polypeptides or fragments thereof encoded by a nucleic acid of group 2.

Group 5, claim(s) 17, as specifically drawn to transgenic non-human animals comprising a nucleic acid molecule of group 1.

Group 6, claim(s) 17, as specifically drawn to transgenic non-human animals comprising a nucleic acid molecule of group 2.

Group 7, claim(s) 19, 20, and 22-27, as specifically drawn to a screening method to identify agents which inhibit the binding of a polypeptide, or fragment thereof, to p53 comprising forming a preparation comprising the polypeptide of group 3.

Group 8, claim(s) 19, 20, and 22-27, as specifically drawn to a screening method to identify agents which inhibit the binding of a polypeptide, or fragment thereof, to p53 comprising forming a preparation comprising the polypeptide of group 4.

Group 9, claim(s) 32, 34, 52, and 54, as specifically drawn to a method of treatment comprising administering a polypeptide of group 3.

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Group 10, claim(s) 32 and 34, as specifically drawn to a method of treatment comprising administering a polypeptide of group 4.

Group 11, claim(s) 33, as specifically drawn to a method of treatment comprising administering a polynucleotide of group 1.

Group 12, claim(s) 33, as specifically drawn to a method of treatment comprising administering a polynucleotide of group 2.

The inventions listed as groups 1-12 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The technical feature linking groups 1-12 appears to be that they all relate to the special technical feature of an isolated nucleic acid molecules which encode SEQ ID NO:8 or variants thereof that encode polypeptides which inhibit the apoptotic activity of p53.

However, Stiewe et al (JBC, 4/19/02, 277(16): 14177-14185) teaches an isolated nucleic acid molecule, Δ TA-p73 β , which encodes SEQ ID NO:8 or a variant thereof that encodes a polypeptide which inhibits the apoptotic activity of p53 (see Figure 5 E and page 14178, in particular).


Therefore, the technical feature linking the inventions of groups 1-12 does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

Accordingly, groups 1-12 are not so linked by the same or a corresponding special technical feature as to form a single general inventive concept.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Aeder, Ph.D. whose telephone number is 571-272-8787. The examiner can normally be reached on M-F: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY SIEW
SUPERVISORY PATENT EXAMINER